



Security Council

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LETTER DATED 4 NOVEMBER 1994 FROM THE PERMANENT REPRESENTATIVE
OF KUWAIT TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF
THE SECURITY COUNCIL

On instructions from my Government, I have the honour to inform you of Kuwait's position on the new developments that have taken place in connection with the question of Iraq's compliance with the Security Council resolutions relating to its aggression against the State of Kuwait since the Council last reviewed the sanctions regime on 14 September 1994.

The Security Council has put an end to the desperate attempts of the Iraqi regime to circumvent the relevant resolutions and to act selectively in their implementation by reordering its scale of priorities and placing at its head the essence and core of the problem as represented by Iraq's procrastination and its refusal to recognize the sovereignty and independence of Kuwait within the international boundaries endorsed by resolution 833 (1993) and the issue of prisoners, detainees and missing persons, the subject of paragraph 2 (c) of resolution 686 (1991) and paragraph 30 of resolution 687 (1991), and by its resolve that Iraq must discharge these obligations in full before consideration is given to the possibility of mitigating the sanctions regime.

Since the last review of the sanctions regime by the Council there have been a number of new developments, and I should like to state Kuwait's position in their regard.

1. The joint communiqué issued by the Russian Federation and Iraq on Thursday, 13 October 1994 (S/1994/1173, annex), in which Iraq affirmed its readiness to resolve in a positive manner the issue of recognizing Kuwait's sovereignty and its boundaries as endorsed by resolution 833 (1993), was a declaration of intent. It will remain a declaration of intent if it is not followed by specific acts and measures to transform it into an accomplished fact in conformity with the declaration made. The statement made in the communiqué does not represent a legal or political commitment to respect by Iraq for the sovereignty, political independence and international boundaries of Kuwait.

2. Iraq's recognition of Kuwait and of the boundaries endorsed by resolution 833 (1993) must proceed from the highest constitutional authorities of Iraq, must be official and must be documented in the manner long demanded by the Council, namely and specifically by:



- (a) The promulgation of a legislative Act by the Revolution Command Council of Iraq;
- (b) The promulgation of a legislative Act by the Iraqi National Assembly;
- (c) Publication of the two Acts in the Iraqi official gazette;
- (d) Documentation at the United Nations of the two Acts and of the announcement of their promulgation in the Iraqi official gazette.

It is stated in the eighth preambular paragraph of resolution 949 (1994), which was adopted unanimously by the Security Council on 15 October 1994 in order to address the latest developments, that "Iraq must unequivocally commit itself by full and formal constitutional procedures to respect Kuwait's sovereignty, territorial integrity and borders, as required by resolutions 687 (1991) and 883 (1993)".

Consequently, any form of recognition that does not accord with such constitutional procedures is to be regarded as an evasion of the requirements of resolution 949 (1994), which was adopted under Chapter VII of the Charter.

3. In a manner that reflects intentions that are other than peaceful and a desire for intimidation and blackmail, the Iraqi authorities have taken the following political and practical measures:

(a) On 6 October 1994, the Revolution Command Council of Iraq issued a statement in which it made threats against the State of Kuwait and threatened the Special Commission for the elimination of weapons of mass destruction that it would discontinue its cooperation with it if the terms set forth in the statement were not met;

(b) It moved large numbers of forces and armour close to its borders with Kuwait and deployed them in a manner reminiscent of the military situation that prevailed a few days before the invasion of Kuwait on 2 August 1990, thereby once again bringing to the region a climate of tension, concern and instability.

The Security Council was decisive and unequivocal in addressing these threats by issuing its presidential statement of 8 October 1994 (S/1994/PRST/58) and adopting its resolution 949 (1994) of 15 October 1994. In both texts, it underlines the unacceptability of the implications of the Iraqi statement and Iraq's full responsibility to accept all the obligations contained in all the relevant Security Council resolutions. In the resolution, the Council condemns the military movements in question, demands that Iraq withdraw its forces and refrain from any repetition of such actions and reaffirms the Council's commitment to the sovereignty and territorial integrity of Kuwait and to the inviolability of its borders.

The latest Iraqi threats once again disclose and confirm the non-peaceful intentions that the Iraqi regime harbours for Kuwait and for the region. They have undermined the trust that the Iraqi regime has been trying to delude the members of the Security Council and the international community into believing it to deserve, and they have placed a large question mark over the claims of the

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Iraqi regime that it wishes to continue to cooperate in the implementation of the resolutions of the Security Council'. Kuwait affirms in this connection that the only way to compel Iraq to comply definitively with the implementation of these resolutions is for the Security Council to continue constantly to ascertain the degree of trust that can be placed in the promises and commitments of the Iraqi regime and to refuse to negotiate with Iraq on its obligations, to reward it for its policies of aggression or to strike any deals with it.

In the fourth preambular paragraph of its resolution 687 (1991), the cease-fire resolution, the Security Council reaffirms the need to be assured of Iraq's peaceful intentions in the light of its unlawful invasion and occupation of Kuwait. We are entitled in this connection to assess the extent of Iraq's compliance with this provision, part of a resolution that was accepted by Iraq unreservedly and unconditionally, by raising the following legitimate questions:

Does it reflect peaceful intentions on the part of Iraq that it should refuse to recognize the sovereignty and independence of Kuwait and claim that Kuwait belongs to Iraq for more than three years after the adoption of the resolution?

Does it reflect peaceful intentions on the part of Iraq that it should continue to reject resolution 833 (1993) endorsing the boundaries demarcated by the Iraq-Kuwait Boundary Demarcation Commission?

Does it reflect peaceful intentions on the part of Iraq that it is continuing to hold prisoners and hostages and that it has failed to cooperate with the International Committee of the Red Cross and with the efforts of the League of Arab States, the Organization of the Islamic Conference and the Movement of Non-Aligned Countries and individual international efforts in this important humanitarian issue?

Does it reflect peaceful intentions on the part of Iraq that the Iraqi authorities should procrastinate for many months and place many obstacles in the way of the inspection teams of the Special Commission for the elimination of weapons of mass destruction?

Does it reflect peaceful intentions on the part of Iraq that a statement was issued by the Revolution Command Council of Iraq on 6 October 1994 threatening the State of Kuwait, the Security Council and the Special Commission?

Does it, finally, reflect peaceful intentions on the part of Iraq that it recently concentrated some 80,000 armed Iraqi soldiers near its borders with Kuwait?

These legitimate questions, in fact, refute any claim made by anyone that the Iraqi regime has peaceful intentions. The Iraqi regime has further lost the credibility and trust necessary for any assurance that it will honour its undertakings and obligations in the future, and the Security Council is consequently called upon to set strict principles and standards by which to ascertain that Iraq's undertakings with respect to the implementation of

Security Council resolutions are to be taken seriously and that it will not disavow those obligations on some pretext.

As regards Iraq's record in the implementation of the other obligations entailed by resolution 687 (1991), the cease-fire resolution, no appreciable change has taken place. For example, the outward cooperation of the Iraqi regime in the matter of the return of the property seized during the invasion and occupation of Kuwait should not distract one's attention from the fact that Kuwait has submitted many lists of items that have yet to be returned. They include heavy military equipment that was used by Iraq during the recent military movements near Kuwait's borders. Iraq has also failed to discharge its obligations with respect to the United Nations Compensation Fund, the renunciation of terrorism and the implementation of Security Council resolutions 706 (1991) and 712 (1991).

All of the resolutions adopted by the Council on Iraq's aggression against Kuwait, including resolution 949 (1994), the most recent, are to be regarded as a means to an end, the end being to ensure full respect for the independence, sovereignty, territorial integrity and international boundaries of Kuwait, to secure the return of the prisoners and detainees and determine the fate of the missing, and to ensure the establishment of peace, security and stability in the Gulf region. The objectives we and the Security Council are endeavouring to achieve will be difficult for us to attain in the absence of peaceful intentions in word or deed and compliance with the letter and spirit of all the resolutions on the part of the Iraqi regime.

As a result of all the foregoing, the Security Council, by virtue of its legal and political responsibilities and in accordance with its knowledge and experience of the methods and manoeuvres of the Iraqi regime, must make the standard of peaceful intentions the basis on which to assess the true character of Iraq's compliance and its fulfilment of the requirements made of it by the relevant Security Council resolutions.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammad A. ABULHASAN
Permanent Representative
